IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16116 of 2004

Between:

Mallavaram Ramireddy, S/o.Venkatreddy,
R/o.Annaswamypalle Renigunta Mandal, Chittoor Dist.

..... PETITIONER

AND

1 The Joint Collector, Chittoor
2 The R.D.O., Tirupathi, Chittoor Dist.
3 The M.R.O., Renigunta, Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, particularly a writ in the nature of Mandamus, declaring the action of the respondents in trying to dispossess the petitioner from the land an extent of Ac.4.00 of land in S.No.384/3, Annaswamypalle, Renigunta Mandal without following the due process of law during the pendency of the application for grant of assignment with reference to B.S.O. 15 as being illegal, arbitrary and is in clear violation of Articles 21 and 300-A of the Constitution of India, and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the land to an extent of Ac.4.00 of land in S.No. 384/3, Annaswamy palle, Renigunta Mandal.

Counsel for the Petitioner: MR.C.A.RSESHAGIRI RAO

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

The present writ petition is filed complaining that the respondents are trying to dispossess the petitioner from the land in an extent of Ac.4.00 in Survey No.384/3 situated at Annaswamypalle, Renigunta Mandal, without following the due process of law.

Once this Court disposed of the writ petitions filed by the petitioner earlier, being W.P.Nos.28481 of 1995 and 26892 of 1996 directing the respondents to consider the claim of the petitioner for assignment of the land, which is in possession of the petitioner as per the provisions of the Board Standing Orders, the respondents are bound to follow the procedure for due eviction of the petitioner. In the event of the petitioner is not entitled to assign the land, the respondents are entitled to initiate eviction proceedings to evict the petitioner from the land in dispute, if it is in his occupation. As and when such proceedings are initiated for due eviction, the petitioner can avail the remedies as are available under the provisions of the Act, for appropriate orders. In this writ petition no relief can be granted.

The writ petition is accordingly dismissed. No costs.

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A. Gopal Reddy, J

Date: 09.09.2004

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To

1 The Joint Collector, Chittoor
2 The Revenue Divisional Officer, Tirupathi, Chittoor Dist.
3 The Mandal Revenue Officer, Renigunta, Chittoor Dist.

4 Two CCs to G.P. for Revenue, High Court of A.P. Buildings, Hyderabad (OUT)

5 Two CD Copies